

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

Kerry Lynn Rosvold,

Bky. Case No. 04-42839

And

Chapter 13 Case

Roger Allen Rosvold Jr.,

Debtor(s).

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NOTICE OF HEARING AND APPLICATION  
FOR ALLOWANCE OF COMPENSATION AS  
ATTORNEYS FOR THE DEBTOR

To: Chapter 13 Trustee, United States Trustee and all parties in interest as specified in Local Rule 9013-3.

- I. Timothy C. Theisen the Applicant, as counsel for Debtors Kerry and Roger Rosvold, moves the Court for the Relief requested below and gives notice of hearing.
- II. The Court will hold a hearing on this Application at 11:00 a.m. on September 29, 2004 in Courtroom No: 7-W, at the United States Bankruptcy Courthouse, at 300 South 4<sup>th</sup> Street, in Minneapolis, Minnesota.
- III. Any response to this application must be filed and delivered to Applicant no later than September 24, 2004, which is three days before the date set for hearing (excluding Saturdays, Sundays, or holidays), or filed and served by mail not later than September 20, 2004, which is seven days before the date set for the hearing (excluding Saturdays, Sundays, and holidays). UNLESS A RESPONSE OPPOSING THIS APPLICATION IS TIMELY FILED, THE COURT MAY GRANT THE APPLICATION WITHOUT A HEARING.
- IV. This Court has jurisdiction over this Application under 28 U. S. C. Section 158 and 1334, Bankruptcy Rule 5005 and Local Rule 2016-1. This Application arises under 11 U. S. C. Section 330. Applicant requests allowance of compensation for professional services

rendered and for reimbursement of expenses incurred in connection with this case. This is a core proceeding. The petition commencing this bankruptcy case was filed on May 19, 2004. The Debtor's Modified Chapter 13 Plan was confirmed by an Order of this Court, dated August 9, 2004. This case is now pending in this Court.

- V. This is an interim application, for all fees paid to date. The Applicant has received payments in the following amounts, on the date set forth below, from Debtors and/or Chapter 13 trustee.

Date	Amount
April 8, 2004	\$1250.00

The terms and condition of employment between the Applicant and the Debtor subject to Bankruptcy Court approval, are that Applicant will be paid \$1250.00 Dollars for services reasonably necessary to represent the Debtor and additional fees at \$195.00 per hour for matters beyond the ordinary and customary services rendered, including adversarial proceedings.

- VI. Applicant knows of no allowed administrative expenses unpaid as of the date of his Application.

- VII. Applicant has rendered professional services in its capacity as general bankruptcy counsel to the Debtor as follows:

- A. General Matters. Advised the Debtor and took action with respect to numerous general matters in the course of the bankruptcy proceeding including overall advice to the Debtor on alternative available under the Bankruptcy Code, the gathering of basic information concerning the Debtor, preparation of bankruptcy petition schedules, statement of affairs and the chapter 13 plan, preparation for and attendance at the Section 341 hearing, receiving proofs of claim and case status updates, and final closing of case upon discharge..
- B. Modified Plan. Creditor Ford Motor Company threatened to object, unless we changed the valuation on one of the vehicles which was being "crammed down" pursuant to the plan. After some negotiation, the debtors and creditor agreed to a proper valuation of the secured claim.

The Chapter 13 office had also requested that a modified plan include a provision that any tax refunds received during the pendency of the plan be paid in to the Chapter 13 office for the benefit of creditors.

- C. Filed Claim for Creditor. The Debtors' largest debt, an \$88,362.87 non-dischargeable student loan claim has not been filed as of the date of this fee application. The deadline for filing a claim is September 14, 2004. It is extremely important that this claim be timely filed, so that the student loan could get paid its pro-rata share during the pendency

of the plan. As the creditor had not filed proof of claim, Applicant got the information from Debtors, and filed a claim on behalf of the creditor. Pursuant to the retainer agreement, Applicant charges a flat fee for doing so.

D. Fee Application. Prepared and filed a fee application for Bankruptcy Court approval.

VIII. The amount of time and compensation sought for each task described above are as follows:

	<u>TASK</u>	<u>HOURS</u>	<u>DOLLARS</u>
A.	General Matters	7.2	\$1250.00(flat fee)
B.	Modified Plan	2.2	\$429.00
C.	Filed Proof of Claim	0.5	\$75.00 (flat fee)
D.	Fee Application	1.0	\$ 100.00(flat fee)
TOTALS:		10.9	\$1854.00

IX. Annexed hereto as Exhibit A, is an itemization of the time incurred by the Applicant stating the following:

A. Description of the task or proceeding.

B. A detailed list and description of each increment of time expended on the task or proceeding; and

C. The names of attorneys who expended the time.

X. The expenses to be sought as part of this Application include 42 copies at 20 cents, and \$5.18 cents in postage. This was incurred in serving the Modified Plan, for a total of \$13.58. Similar costs will be incurred as part of this instant fee application, but are included in the \$100.00 flat fee for the fee application.

XI. The attorney who expended time on this matter is Timothy C. Theisen, who charges an hourly rate of \$195.00 Dollars per hour. The hourly rate is the usual and customary hourly rates charged by Applicant for the services of the individuals involved. It represents the customary compensation charged by comparably skilled practitioners in cases other than cases under Title 11 of the United States Code.

- XII. Applicant's services to the Debtor in this case have a reasonable value of not less than \$1854.00 Dollars. To date, the Applicant has received payments totaling \$1250.00 Dollars from the Debtor.
- XIII. Applicant has incurred actual and necessary expenses in this case in the total amount of \$194.00 Dollars consisting of \$194.00 Dollars filing fee, which was paid by the debtor.
- XIV. All services for which compensation is requested by Applicant were performed on behalf of the Debtor and not on behalf of any committee, creditor or other person. The services were necessary to the administration of the successful completion of this case. The services were performed within a reasonable amount of time commensurate with the complexity, importance and nature of the problem, issue or task addressed.
- XV. The amount requested herein constitutes reasonable compensation for actual and necessary services rendered by Applicant based on the nature, the extent and value of such services, the time spent on such services and the costs of comparable services other than in a case under Title 11.
- XVI. Applicant has not entered into any agreement express or implied with any other party in interest, including the Debtor or any creditor, receiver, trustee or representative of any of them, or with any attorneys for such party in interest in the proceedings, for the purpose of fixing fees or other compensation to be paid to such party in interest in the proceedings for services rendered or expenses incurred in connection therewith from the assets of the estate in excess of the compensation allowed by law.

WHEREFORE, Applicant respectfully requests that the Court enter its Order (a) allowing compensation to Applicant in the amount of \$1854.00 Dollars and reimbursement of expenses in the amount of \$13.58 Dollars for a total of \$1867.58 Dollars; and (b) allowing Applicant to apply the \$1250.00 he has already received toward said fees and expense, and (c) directing the Chapter 13 Trustee to pay the amount of \$617.58 Dollars to Applicant from payments received by the Trustee pursuant to the Debtor's Chapter 13 Plan.

I Tim Theisen, attorney for debtor, hereby declare that the above-stated facts are true and correct to the best of my knowledge and belief.

Dated: August 23, 2004

\_\_\_\_\_/e/ Timothy C. Theisen\_\_\_\_\_  
Timothy C. Theisen  
229 Jackson Street  
Suite 105  
Anoka, MN 55303  
Telephone No. (763) 421-0965

**A – GENERAL MATTERS**

4/8/04	Initial consultation with client; enter budget; run blue book values; open file	1
4/17	start working on petition; contact client	1
5/4	finalize petition & plan; convert to PDF; email to client	1
5/7	letter from creditor; add to internal matrix	.2
5/9	email to client; revise petition; email to client	.5
5/17	letter from creditor	.2
5/19	receive signature page; scan, efile	.4
5/21	letter from creditor; fill out form 7 return to them	.2
5/23	receive notice of 341; calendar; letter to client	.4
6/1	letter from Ford re: payments; forward to client; add Linda Jungers to internal matrix	.2
6/7	letter from Ford re: service plan	.2
6/16	check claims online; attend creditor meeting, including one way travel	1.5
7/16	email from/to client re: confirmation date	.2
8/10	receive order confirming plan	<u>.2</u>
Total		7.2

**B – MODIFIED PLAN**

5/28/04	Fax from Linda Jungers; forward to client	.2
6/7	E-mail from and to client	.2
6/17	E-mail from and to client regarding car values	.3
6/21	Call from Linda Jungers; note to file	.1
6/22	Draft Modified Plan and signature page; convert to PDF and e-mail to client	.6
6/29	Call client; e-mail to Linda Jungers regarding continuance	.2
7/2	Fax and e-mail from Linda Jungers regarding continuance; message to Tom Johnson	.2
7/2	Receive signature page; scan, serve and file; e-mail advance draft to Tom Johnson	<u>.4</u>
Total		2.2

**EXHIBIT A**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

\_\_\_\_\_  
In re:

Kerry Lynn Rosvold,

Bky. Case No. 04-42839

and

Chapter 13 Case

Roger Allen Rosvold,

**ORDER**

Debtor(s).  
\_\_\_\_\_

This matter came on for hearing before the Honorable Nancy Dreher, in Room-7W at the US Bankruptcy Court, Minneapolis, MN on the motion of Timothy C. Theisen (The Applicant) for allowance and payment of legal fees and reimbursement of costs.

Upon all the files, records and proceedings herein and there being no objection filed with the Court, IT IS HEREBY ORDERED:

1. The Applicant is awarded \$1854.00 Dollars as reasonable compensation for legal services and \$13.58 Dollars for reimbursement for actual and necessary costs of a total of \$1867.58 Dollars.
2. The Applicant may apply the \$1250.00 Dollars he has received from Debtor in partial satisfaction of his award.
3. The Chapter 13 Trustee is authorized and directed to pay the sum of \$617.58 Dollars to Applicant as funds become available pursuant to the Debtor's Chapter 13 Plan.

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
Nancy C. Dreher  
Judge of Bankruptcy Court

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

Case No. 04-42839  
Chapter 13

Kerry and Roger Rosvold

**UNSWORN CERTIFICATE OF  
SERVICE**

Debtor(s)

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I, Melinda Rost, declare under penalty of perjury that on August 23, 2004, I mailed copies of the foregoing Notice of Hearing and Application for Allowance of Compensation as Attorney for the Debtor by first class mail postage prepaid to each entity named below at the address stated below for each entity:

ALL CREDITORS  
(See attached matrix)

US Trustee  
1015 United States Courthouse  
300 South 4<sup>th</sup> Street  
Minneapolis, MN 55401

Jasmine Z Keller  
310 Plymouth Building  
12 South 6<sup>th</sup> Street  
Minneapolis, MN 55402

Kerry and Roger Rosvold  
3940 Lancaster Lane N.  
Apt. 144  
Plymouth, MN 55441

Executed on: August 23, 2004

Signed:     /e/ Melinda Rost      
Melinda Rost  
229 Jackson Street, Suite 105  
Anoka, MN 55303



ALEGIS GROUP LP  
9700 BISSONNET SUITE 2000  
HOUSTON, TX 77036

AT & T UNIVERSAL  
PO BOX 44167  
JACKSONVILLE, FL 32231-4167

CAPITAL ONE  
1957 WESTMORELAND ROAD  
RICHMOND, VA 26276-5617

CHASE BANKCARD  
PO BOX 52188  
PHOENIX, AZ 85072-2188

CITIBANK  
PO BOX 6000  
THE LAKES, NV 89163-6000

DISCOVER  
PO BOX 15255  
WILMINGTON, DE 19886-5255

DISCOVER  
PO BOX 30957  
SALT LAKE CITY, UT 84130-0957

FORD MOTOR CREDIT (RANGER)  
PO BOX 64400  
COLORADO SPRINGS, CO 80962-4400

LINDA JUNGERS  
430 OAK GROVE ST #200  
MPLS, MN 55403

MBNA AMERICA  
PO BOX 15026  
WILMINGTON, DE 19850-5026

SALLIE MAE SERVICING  
PO BOX 9500  
WILKES BARRE, PA 18873-9500

SEARS  
PO BOX 818017  
CLEVELAND, OH 44181-8017